

REMARKS

This amendment is submitted in response to the Official Action mailed July 15, 2005, to request reconsideration of the application in view of the amendments and remarks set forth herein. Applicant submits that the amendment is fully responsive to the outstanding Official Action for the reasons set forth below.

At the onset, Applicant would like to note that Figures 1, 3 and 4 have been amended herewith. Specifically, Figures 1, 3 and 4 have been amended to clarify the double and triple foot switch. The double foot switch has two pedals 6a and 6b, and the triple foot switch has three pedals. The use of double and triple foot pedals is well-known in the art as a means for controlling a medical device. Additionally, it is well known that each pedal can control different devices or separate functions of the same device. This amendment to the Figures obviates the Examiner's objection to the Figures.

The specification has been amended to reflect the changes in the figures, i.e., the reference numbers and description. Applicant submits that the amendment to the Figures and specification obviates the Examiner's objection to the specification and Abstract. Accordingly, Applicant respectfully requests the Examiner to withdraw the objection.

No new matter has been added to the Figures or specification. The Applicant directs the Examiner's attention to pages 9, 11, and 19-21 as an example of support. Specifically, the specification describes that there are three foot pedals within the triple foot switch, "water feed pedal and suction pedal, not shown in the drawings, which are provided on the triple foot switch 7" (page 11), "The switch detecting unit 73 detects the on/off information of the water supply switch and suction switch of the triple foot switch 7, and outputs the water-supply or suction switch information of the switch turned on, to

the control unit 75" (page 20) and "upon the ultrasonic output switch [pedal] of the triple foot switch 7 turning on, detects the on information of the switch at the switch detecting unit 73, and transmits ultrasonic driving information to the communication unit 64 of the ultrasonic output device 2 from the communication unit 74 via the communication cable 8, based on the on information of the switch, so as to effect synchronized driving of the ultrasonic output device 2 and the water-supply/suction device 3".

Furthermore, the specification states that the triple foot switch could control the ultrasonic device. "Though not shown in the drawings, the switch detecting unit 63 is also capable of detecting on/off of the triple foot switch 7, and information of switches turned on." (page 17).

Additionally, Applicant would like to note that Claims 1-20 have been cancelled and that the Applicant is submitting new Claims 21-32 for examination. Claim 21 recites a surgery system comprising, *inter alia*, a first medical device having a first connecting portion capable of detachably connecting a treatment equipment thereto, a first identifying unit provided in the first medical device for identifying the type of treatment equipment connected to the first connecting portion in response to replacement of the treatment equipment connected to the first connecting portion, and a control device for making permission/non-permission determination regarding whether or not the first medical device is to be synchronized with the second medical device in accordance with the type of the treatment equipment identified by the first identifying unit when the treatment equipment connected to the first connecting portion is replaced, the control unit making the first medical device synchronized with the second medical device in response

to the activation of the first switch when the control device has determined that the second medical device is to be synchronized with the first medical device.

Claims 22-32 depend, directly or indirectly, from Claim 21. No new matter has been added in the new claims. Applicant directs the Examiner's attention to pages 22-40. Specifically, the specification describes synchronizing of treatment equipment when the treatment equipment is replaced. Additionally, the specification describes a permission/non-permission determination section that determines synchronizing with the other medical device based on the driving control information and the type of the other treatment device.

Applicant submits that the new claims are patentably distinct from any of the references cited in the outstanding Official Action and specifically over Bauer.

Applicant submits that Bauer neither teaches the claimed surgery system nor any of the functional advantages of the claimed invention. Specifically, the claimed invention automatically changes a synchronization setting of each medical device when new treatment equipment is attached or connected to the medical device. The system identifies the type of the new treatment device and changes the synchronization setting based upon its type.

In stark contrast, Bauer only teaches synchronization of the medical devices where the treatment equipment is fixed or already attached to the medical device. Each treatment device has a special function and is kept connected to the medical device. The user can set each medical device to be synchronized using a panel. However, there is no teaching as to when a piece of treatment equipment needs to be changed "on the fly" or replaced with another piece of treatment equipment. As such, the reference does not

teach identifying the new or substituted treatment equipment or describe an element or means for performing this function.

Additionally, Bauer fails to teach a control device for **making permission/non-permission determination regarding whether or not the first medical device is to be synchronized with the second medical device in accordance with the type of the treatment equipment identified by the first identifying unit when the treatment equipment connected to the first connecting portion is replaced**, the control unit making the first medical device synchronized with the second medical device in response to the activation of the first switch when the control device has determined that the second medical device is to be synchronized with the first medical device, as specifically recited in Claim 21.

Therefore, Bauer neither discloses nor suggests the claimed structural features that allow for the synchronization of each medical device by automatically changing the setting in response to a replacement of the treatment equipment that is attached to a medical device.

Accordingly, independent Claim 21 is patentably distinct from the reference, as the reference fails to teach, suggest or render obvious each and every limitation of the claim.

Additionally, Applicant submits that Claims 22-32 are patentably distinct from Bauer at least based upon their dependency, whether directly or indirectly, from Claim 21.

Additionally, with respect to Claims 22 and 26, Applicant submits that the claims are further patentable over Bauer because there is simply no disclosure or suggestion by

Bauer et al. of having medical devices convey information to one another regarding a type of a connected treatment device, and to act on this information by making a permission/non-permission determination as claimed.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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IN THE DRAWINGS:

Please replace Figures 1, 3 and 4 with the attached new Figures 1, 3 and 4.